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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-0393 WHA
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER SETTING SENTENCING
v.	)	HEARING
	)	
JAMES WARD,	)	
	)	
	)	
Defendant.	)	

It is hereby stipulated by and between counsel for the United States, Assistant United States Attorney Kyle F. Waldinger, and counsel for defendant James Ward, Acting Federal Public Defender Geoffrey Hansen, that, subject to the Court's approval, sentencing in this case be set for June 26, 2012, at 2:00 p.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Mr. Mabie, also has been consulted with respect to this date and has indicated that he is available on that date.

1. On December 6, 2011, the defendant James Ward pleaded guilty to Count One of the Indictment charging him with conspiracy to commit mail fraud and wire fraud. It was

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undersigned counsel's belief that at the December 6, 2011, hearing the Court set sentencing for March 13, 2012, for the defendant Ward. However, the Court's docket states that the next appearance date for the defendant Ward is June 6, 2012, for status only. *See* docket entry 38.

2. To date, the Probation Officer has not yet had the opportunity to interview the defendant Ward. Moreover, the United States has not been able to provide the Probation Officer with the materials related to the preparation of the pre-sentence report. Accordingly, this matter is not ready to proceed to sentencing. In addition, the remaining co-defendant David Lin is set to proceed to trial on April 2, 2012, and the parties currently believe that it is preferable that the defendant Ward's sentencing take place after the April trial. Accordingly, the parties jointly request that the Court set sentencing for the defendant Ward for June 26, 2012, which is the same date that the Court set for sentencing of the co-defendant Tipton. *See* docket entry 39. The parties jointly request that the due dates for the presentence report be calculated using the new sentencing date.

SO STIPULATED.

DATED: February 21, 2012

MELINDA HAAG  
United States Attorney

/s/  
\_\_\_\_\_  
KYLE F. WALDINGER  
Assistant United States Attorney

DATED: February 21, 2012

/s/  
\_\_\_\_\_  
GEOFFREY HANSEN  
Attorney for defendant James Ward

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that sentencing hearing for the defendant James Ward be set for June 26, 2012, at 2:00 p.m., and that the status hearing presently set for June 6, 2012, be vacated. The

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1 final presentence report should be disclosed two weeks prior to the sentencing date.  
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3 Dated this 22nd day February, 2012  
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7 William Alsup  
8 UNITED STATES DISTRICT JUDGE  
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